IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16624 of 2004

Between:

A.V.V.Satyanarayana, s/o late Narasimha Murthy,
r/o Kodad Village and Mandal, Nalgonda District.

..... PETITIONER

AND

1 The Station House Officer, Prohibition and Excise Police,
Huzurnagar Range, Nalgonda District.
2 The Deputy Commissioner of Proh., and Excise, Mahaboobnagar Division,
Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondent No.1 in seizing the 136 bags of Black Jaggery under P.R.No.765/2001-02 as illegal, arbitrary, and consequently direct the respondents herein to forthwith release the said stocks.

Counsel for the Petitioner: MR.PALLENAGESWAR RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

THE HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.16624 OF 2004

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise appearing for the respondents.

Petitioner seeks a writ of mandamus declaring the action of the first respondent in seizing 136 bags of black jaggery under P.R.No.765 of 2001-02 as illegal and arbitrary.

It is represented by the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents that similar matters have been disposed of by this Court with a direction to the Deputy Commissioner of Prohibition and Excise to consider the request of the petitioner for release of the seized black jaggery and pass appropriate orders, in accordance with law. The learned counsel for the petitioner states that the petitioner has already made a request before the second respondent/Deputy Commissioner of Prohibition and Excise on 20.1.2003 for release of the seized stock and that the said application is pending before him.

In the circumstances, the writ petition is disposed of with a direction to the second

respondent to consider and dispose of the application of the petitioner dated 20.1.2003 requesting release of the seized stock on furnishing bank guarantee of the value of the goods, in accordance with law, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order. No costs.

The writ petition is accordingly disposed of. No costs.

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(G.ROHINI,J)

Date: 28.9.2004.

Note:

Issue C.C. in two (2) days.

B/o

Mdaa.

Copy to:

1 The Station House Officer, Prohibition and Excise Police,
Huzurnagar Range, Nalgonda District.
2 The Deputy Commissioner of Proh., and Excise, Mahaboobnagar Division,
Mahaboobnagar District.

3. Two C.Cs to G.P. for Proh.& Exscise, High Court of A.P., Hyd (OUT)

4. Two C.D.copies.